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Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

Report of the First Committee

Rapporteur: Mr. Coly **Seck** (Senegal)

I. Introduction

1. The item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" was included in the provisional agenda of the sixty-third session of the General Assembly in accordance with Assembly resolution 62/19 of 5 December 2007.

2. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 6 October 2008, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 81 to 96, which was held at the 2nd to 8th meetings, from 6 to 10 and on 13 and 14 October (see A/C.1/63/PV.2-8). The Committee also held 11 meetings, from 14 to 17, from 20 to 24 and on 27 October, for an exchange of views with the High Representative for Disarmament Affairs and other high-level officials, as well as panel discussions with independent experts and follow-up to resolutions and decisions adopted at previous sessions (see A/C.1/63/PV.8-18). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 8th to 18th meetings, from 14 to 17, from 20 to 24 and on 27 October (see A/C.1/63/PV.8-18). Action on all draft resolutions was taken at the 19th to 22nd meetings, from 28 to 31 October (see A/C.1/63/PV.19-22).

4. No documents were submitted for consideration under this item.

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II. Consideration of draft resolution A/C.1/63/L.7

5. At the 17th meeting, on 24 October, the representative of Pakistan on behalf of Bangladesh, Benin, Brunei Darussalam, Colombia, Cuba, Egypt, El Salvador, Ghana, Guinea, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malawi, Malaysia, Myanmar, Pakistan, Peru, Philippines, Qatar, Saudi Arabia, Sri Lanka, the Syrian Arab Republic, Uzbekistan and Viet Nam, introduced a draft resolution entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" (A/C.1/63/L.7). Subsequently, Ecuador and Fiji joined in sponsoring the draft resolution.

6. At its 21st meeting, on 30 October, the Committee adopted draft resolution A/C.1/63/L.7 by a recorded vote of 110 to 1, with 55 abstentions (see para. 7). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland.

III. Recommendation of the First Committee

7. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

The General Assembly,

Bearing in mind the need to allay the legitimate concern of the States of the world with regard to ensuring lasting security for their peoples,

Convinced that nuclear weapons pose the greatest threat to mankind and to the survival of civilization,

Welcoming the progress achieved in recent years in both nuclear and conventional disarmament,

Noting that, despite recent progress in the field of nuclear disarmament, further efforts are necessary towards the achievement of general and complete disarmament under effective international control,

Convinced that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

Determined to abide strictly by the relevant provisions of the Charter of the United Nations on the non-use of force or threat of force,

Recognizing that the independence, territorial integrity and sovereignty of non-nuclear-weapon States need to be safeguarded against the use or threat of use of force, including the use or threat of use of nuclear weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective measures and arrangements to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

Recognizing that effective measures and arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons can contribute positively to the prevention of the spread of nuclear weapons,

Bearing in mind paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly,[1] the first special session devoted to disarmament, in which it urged the nuclear-weapon States to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and desirous of promoting the implementation of the relevant provisions of the Final Document,

[1] Resolution S-10/2.

Recalling the relevant parts of the special report of the Committee on Disarmament[2] submitted to the General Assembly at its twelfth special session,[3] the second special session devoted to disarmament, and of the special report of the Conference on Disarmament submitted to the Assembly at its fifteenth special session,[4] the third special session devoted to disarmament, as well as the report of the Conference on its 1992 session,[5]

Recalling also paragraph 12 of the Declaration of the 1980s as the Second Disarmament Decade, contained in the annex to its resolution 35/46 of 3 December 1980, which states, inter alia, that all efforts should be exerted by the Committee on Disarmament urgently to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Noting the in-depth negotiations undertaken in the Conference on Disarmament and its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons,[6] with a view to reaching agreement on this question,

Taking note of the proposals submitted under the item in the Conference on Disarmament, including the drafts of an international convention,

Taking note also of the relevant decision of the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, held at Kuala Lumpur on 24 and 25 February 2003,[7] which was reiterated at the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana on 15 and 16 September 2006,[8] as well as the relevant recommendations of the Organization of the Islamic Conference,

Taking note further of the unilateral declarations made by all the nuclear-weapon States on their policies of non-use or non-threat of use of nuclear weapons against the non-nuclear-weapon States,

Noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as well as the difficulties pointed out in evolving a common approach acceptable to all,

Taking note of Security Council resolution 984 (1995) of 11 April 1995 and the views expressed on it,

Recalling its relevant resolutions adopted in previous years, in particular resolutions 45/54 of 4 December 1990, 46/32 of 6 December 1991, 47/50 of 9 December 1992, 48/73 of 16 December 1993, 49/73 of 15 December 1994, 50/68 of 12 December 1995, 51/43 of 10 December 1996, 52/36 of 9 December 1997, 53/75 of 4 December 1998, 54/52 of 1 December 1999, 55/31 of 20 November 2000,

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[2] The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

[3] *Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2* (A/S-12/2), sect. III.C.

[4] Ibid., *Fifteenth Special Session, Supplement No. 2* (A/S-15/2), sect. III.F.

[5] Ibid., *Forty-seventh Session, Supplement No. 27* (A/47/27), sect. III.F.

[6] Ibid., *Forty-eighth Session, Supplement No. 27* (A/48/27), para. 39.

[7] See A/57/759-S/2003/332, annex I.

[8] See A/61/472-S/2006/780, annex I.

56/22 of 29 November 2001, 57/56 of 22 November 2002, 58/35 of 8 December 2003, 59/64 of 3 December 2004, 60/53 of 8 December 2005, 61/57 of 6 December 2006 and 62/19 of 5 December 2007,

1. *Reaffirms* the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. *Notes with satisfaction* that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties with regard to evolving a common approach acceptable to all have also been pointed out;

3. *Appeals* to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character;

4. *Recommends* that further intensive efforts be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, be explored further in order to overcome the difficulties;

5. *Also recommends* that the Conference on Disarmament actively continue intensive negotiations with a view to reaching early agreement and concluding effective international agreements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective;

6. *Decides* to include in the provisional agenda of its sixty-fourth session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".